

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case came before the Court on July 17, 2007, for an evidentiary hearing on Mr. Owens' Motion to Suppress [Doc. 37] and Motion to Produce [Doc. 36]. Defendant Roderick Owens was present in court with his attorney A. Philip Lomonaco. The United States was represented by Assistant United States Attorney Matthew T. Morris.

In his Motion to Produce [Doc. 36], Mr. Owens asserted a belief that the Knoxville Police Department may be in possession of a videotape recording in addition to that already provided by the government in discovery. Attorney Lomonaco told the Court that Mr. Owens may have had interaction with police officers in two different interview rooms at the Knoxville Police Department. One of these interactions was recorded on videotape and produced in discovery.

At the hearing, AUSA Morris reported that he has investigated the defendant's request and has confirmed that no additional videotape exists. AUSA Morris stated his understanding that the United States has a duty to produce the substance of any statement made by the defendant, whether or not a statement was recorded on videotape.

The Court finds there is no reason to believe any additional videotape recording was made.

Accordingly, Mr. Owen's Motion to Produce [Doc. 36] is **DENIED** as moot.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge